



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



October 7, 2002

LETTER OF DEFICIENCY #WSEB 02-145
CERTIFIED MAIL 7099 3400 0018 5776 2905

Jeanne McCaldon
Birch Lane Lodges LLC
192 West Emerson Street
Melrose, MA 02176

Subject: Newbury - Public Water System: Birch Lane Lodges (EPA #1658040)

Dear Ms. McCaldon:

The records of the Department of Environmental Services (DES) show that Birch Lane Lodges water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit bacteria samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Admin. Rule Env-Ws 325.

DES records show that the subject water system failed to submit bacteria samples and as a result Monitoring/Reporting (M/R) violations were issued for the following months:

May 2002 and August 2002

In view of the Monitoring/Reporting violations, DES believes the deficiencies can be corrected by taking the following action:

By October 23, 2002, submit a water sample for bacteria analysis to the state laboratory, or a state-certified laboratory, in accordance with NH Admin. Rule Env-Ws 325.

In the future, submit routine water samples for bacteria analysis during the water system's scheduled sampling months of **May, August, and October**.

Pursuant to Env-Ws 351, owners of public water systems are required to issue public notification when a system has failed to monitor for bacteriological water quality. DES records show that the water system has failed to perform public notification for the May 2002 monitoring violation. To date, the water system has not submitted proof of public notice for the August 2002 monitoring violation.

In view of the public notice violations, DES believes the deficiencies can be corrected, and future violations prevented, by taking the following actions:

By October 23, 2002, carry out the public notice requirements for the sampling violations listed above; and

2. **By October 30, 2002**, provide proof of public notice to DES.

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In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please be reminded that the Fourth Quarter (Q4) 2002 Nitrate water sample is due by December 31, 2002.

Please contact Alan Leach by phone at (603) 271-2854 or by e-mail at aleach@des.state.nh.us, if you have any questions regarding this letter.

Sincerely,

COPY

Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

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cc: Gretchen Rule, DES Legal Unit
Board of Selectmen, Town of Newbury Health Officers
EPA, Region 1